

**DOCUMENTS ASSOCIATED  
WITH CIVIL CASES PENDING  
IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

**I. INITIAL DISCLOSURES**

**A. Plaintiff's Initial Disclosures.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Donald Foxworth

v.

Firstsource Advantage,  
LLC

Civil Action No. 1:12-cv-1359 SCJ

**PLAINTIFF'S INITIAL DISCLOSURES**

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff's contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

See Attached Sheet

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(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

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*See Attached sheet*

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(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

(5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying

as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

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(7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiffs cause of action and state the basis and extent of such interest.

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## INITIAL DISCLOSURES ANSWERS

Civil action no.1:12-CV-1359 SCJ

Answer (1)

This cause of action is being brought under the consumer credit classification against Defendant for violations of the Fair Debt Collections Practices Act (FDCPA) & Telephone Consumers Protection Act (TCPA).

Defendant violated the FDCPA by not disclosing on initial contact who they were, why they were calling, what was the purpose of the call and the name of the company they are representing.

Defendant also violated TCPA by calling plaintiff's residential phone without prior consent, permission and or a previous established business relationship.

Answer (2)

The code for Fair Debt Collections Practices Act (FDCPA) is 15 U.S.C. § 1692b(1), defendant failed to identify themselves, failed to state collector in confirming or correcting location information. Which is prohibited under said act.

*Gilmore v. Account Mgmt, Inc*, No 1:08-cv-1388-JOF-LTW, 2009 WL 2848278 (N.D. Ga Apr.7 2009)

The code for Telephone Consumers Protection Act (TCPA) is 47 U.S.C. § 227 (a)(1) defendant used an "automatic telephone dialing system" equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator to dial such numbers. Which is prohibited under said act.

*Meadows v. Franklin Collection Serv., Inc.*, No.7:09-cv-605, 2010 WL 2605048 (N.D. Ala. June 25,2010)

Answer (3) Donald Foxworth, Plaintiff

Answer (4) Donald Foxworth, Plaintiff

Answer (5) A copy of the spreadsheet is included marked "Exhibit A".

Answer (6)

Statutory damages for violations of Fair Debt Collections Practices Act are but not exceeding \$1000.00 pursuant to FDCPA, 15 U.S.C. § 1692k.

Damages for violations of Telephone Consumers Protection Act are in the amount of \$500 for the first violation 47 U.S.C. § 227 (b)(3)(B) and \$1500 per violation thereafter pursuant to 47 U.S.C. § 227 (b)(3)(C)

Answer (7) N/A

Answer (8) NONE